UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/1079
31 December 1996

ORIGINAL: ENGLISH

LETTER DATED 31 DECEMBER 1996 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 748 (1992) CONCERNING THE LIBYAN ARAB JAMAHIRIYA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya, containing an account of the Committee's activities since the beginning of 1996. The present report, which was adopted by the Committee on 27 December 1996, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(Signed) Zbigniew Maria WLOSOWICZ
Chairman
Security Council Committee established
pursuant to resolution 748 (1992)
concerning the Libyan Arab Jamahiriya

96-37977 (E) 020197

/...

Annex

Report of the Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya

I. INTRODUCTION

1. The Committee adopted the present report on 27 December 1996. The purpose of the report is to present a factual summary of the Committee's activities during the calendar year 1996, in accordance with the transparency measures outlined by the President of the Security Council in his note of 29 March 1995 (S/1995/234). During 1996, the Committee held eight meetings and handled over 100 incoming communications relating to various aspects of the implementation of the mandatory sanctions, as well as a comparable number of replies.

II. SUMMARY OF THE WORK OF THE COMMITTEE

A. General observations

2. On 22 January 1996, the Secretary-General addressed a note verbale in the form of a reminder to all Member States, drawing their attention to the relevant paragraphs of Security Council resolutions 748 (1992) of 31 March 1992 and 883 (1993) of 11 November 1993. In paragraphs 8 of resolution 748 (1992) and 13 of resolution 883 (1993), all States were requested to convey to the Secretary-General information on the measures instituted by their Governments to meet the obligations set out in the two resolutions. In this connection, the Secretary-General issued two reports on progress in the implementation of the above-mentioned resolutions.[1]

B. Guidelines of the Committee

3. The Bureau of the Committee, as elected at the Committee's first meeting of each year, consists of a Chairman and two Vice-Chairmen. The Chairman of the Committee is elected in his/her personal capacity for the calendar year, while two delegations are elected to provide the Vice-Chairmen for the year, all three constituting the Bureau of the Committee. For 1996, the Bureau consisted of Zbigniew Maria Wlosowicz (Poland) as Chairman, with the delegations of Germany and the Republic of Korea providing the two Vice-Chairmen.

4. At its 65th meeting, held on 5 February 1996, the Committee adopted further measures aimed at making its procedures more transparent, as recommended by the Security Council in the note of the President of the Council dated 24 January 1996 (S/1996/54). To that end, the Committee decided that its Chairman would give an oral briefing on the work of the Committee to all interested Members of the United Nations after each meeting.[2]

C. Humanitarian flights

5. Pursuant to paragraph 9 (e) of resolution 748 (1992) and at the suggestion of the United Nations Resident Coordinator in Tripoli, the Committee, at its 13th meeting, on 14 October 1992, approved special arrangements for emergency medical evacuation by air (MEDEVAC) from the Libyan Arab Jamahiriya. Instructions and procedures concerning the measures so approved by the Committee were transmitted to all States and international organizations on 16 October 1992.

6. Subsequently, at its 59th meeting, on 17 July 1995,[3] the Committee approved further procedures and arrangements concerning the authorization and monitoring procedures for MEDEVAC flights from the Libyan Arab Jamahiriya and the related issue of the maintenance and supply of spare parts for the pre-designated four Libyan air ambulances as an annex to the special MEDEVAC arrangements adopted previously by the Committee (see para. 5).

7. During 1996, the Committee approved 63 emergency MEDEVAC flights, while during 1995, 42 were approved.

8. On 8 March 1996, the Committee approved a request dated 1 March 1996 from Egypt for 45 flights on Egypt Air from Cairo to Tripoli and Benghazi and on to Jeddah, and an equal number of return flights, for the purpose of transporting Libyan pilgrims to perform the Hajj.

9. As had been done the previous year, the Committee approved the Egyptian request with the following conditions: (a) the Government of Egypt would communicate to the Committee in advance the exact schedule, routeing and aircraft registration number for each flight; (b) all flights would be direct and non-stop between the authorized destinations; (c) none of the aircraft would be owned by, leased from or controlled by the Libyan Arab Jamahiriya or any Libyan entity; (d) neither the Government or public authorities of the Libyan Arab Jamahiriya nor any Libyan undertaking would benefit financially, directly or indirectly, from such flights, pursuant to paragraph 3 (a) and (b) of resolution 883 (1993); and (e) pursuant to the guidelines approved by the Committee, the aircraft must be inspected to ensure that they are operating exclusively for the declared humanitarian purposes and in accordance with the relevant provisions of resolution 748 (1992). Accordingly, the inspections were effected in the same manner as the previous year.[4]

D. Violations

10. On 18 April 1996, the Security Council considered the 16 April flight of a Libyan-registered aircraft from Tripoli to Jeddah as a clear violation of Council resolution 748 (1992) and totally unacceptable, calling on the Libyan Arab Jamahiriya to refrain from any further violations. The Council also indicated that it would review the matter should further violations occur and requested the Sanctions Committee to draw attention of Member States to their obligations under resolution 748 (1992) in the event that Libyan-registered aircraft landed in their territory.[5]

11. As requested in the statement by the President of the Security Council of 18 April 1996,[3] the Committee, at its 68th meeting, held on 30 April 1996,[4] approved the text of a note verbale to be addressed to all Member States, drawing attention to their obligations under Security Council resolution 748 (1992).[5]

12. At its 69th meeting held on 5 July 1996, the Committee considered two notes verbales dated 27 June 1996 and 28 June 1996 respectively from the permanent missions of Egypt and of the Libyan Arab Jamahiriya to the United Nations. The Committee considered the fact that Libyan-registered aircraft had flown from Tripoli to Cairo on 22 June 1996 (transporting the Head of State of the Libyan Arab Jamahiriya to the Arab Summit) and back to Tripoli on 23 June 1996.

13. The Committee decided that the flights on 22 and 23 June, in disregard of Security Council resolution 748 (1992), were serious violations of the resolution. The Committee demanded that the Libyan Arab Jamahiriya refrain from any further such violations. If a further violation occurred, it would consider recommendations to the Council on ways to increase the effectiveness of the measures contained in resolution 748 (1992) in accordance with its paragraph 9 (c).[6]

14. In this connection, the Security Council considered on several occasions (in informal consultations) a letter dated 22 July 1996 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (ref. reasons for travel by the Libyan Head of State).[7] On 30 July 1996, the President proposed that, in his remarks to the press, he would recall the terms of resolution 748 (1992) and would also indicate that the Chairman of the Committee established pursuant to resolution 748 (1996) had stated on 5 July that if a future violation occurred, the Committee would consider ways to increase the effectiveness of the measures contained in that resolution. He further proposed that he might indicate that the members of the Council found the views expressed by the Libyan Arab Jamahiriya unacceptable and incompatible with resolution 748 (1992), and that they firmly urged the Libyan authorities not to pursue the intentions stated in the letter. On 31 July 1996, following confirmation by two members of the Council, the President indicated that he would make a statement to the press as previously tentatively agreed upon. The Council members concurred with the President's proposal.

III. REVIEWS BY THE SECURITY COUNCIL

15. On 12 August and 9 December 1992, the Security Council held informal consultations pursuant to paragraph 13 of resolution 748 (1992), by which the Council decided to review every 120 days or sooner, should the situation so require, the measures imposed by the Council in paragraphs 3 to 7 against the Libyan Arab Jamahiriya in the light of the compliance by the Libyan Government with paragraphs 1 and 2 of the resolution, taking into account, as appropriate, any reports provided by the Secretary-General in his role as set out in paragraph 4 of resolution 731 (1992). So far, the Security Council has undertaken 14 such reviews.

16. In 1996, the Security Council undertook three reviews, on 21 March, 15 July and 15 November. On those occasions, the members found that conditions did not exist for modifying the regime of sanctions established by the Council in paragraphs 3 to 7 of resolution 748 (1992).

Notes

[1] S/1996/611 and S/1996/612.

[2] See SC/6185.

[3] See SC/6078.

[4] See SC/6191.

[5] S/IRST/1996/18.

[6] See SC/6209.

[7] See SC/6216.

[8] See SC/6241.

[9] S/1996/588.